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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROB DUNN, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

Case No. 16-cv-00036-JD; 16-cv-00777-JD

**JOINT REPORT REGARDING STATUS
OF ARBITRATION PROCEEDINGS**

Crtrm: 11, 19th Floor

The Honorable James Donato

Pursuant to the Court's July 24, 2018 Order Re Arbitration Proceedings, Dkt. No. 153,¹ the parties submit this joint report regarding the status of the arbitration captioned, *Kate McLellan v. Fitbit, Inc.*, AAA Case No. 01-18-0001-3597 (the "Arbitration").

The Arbitration is proceeding apace. On August 27, 2018, the American Arbitration Association appointed James H. Grossman as arbitrator in the matter. Mr. Grossman held a preliminary hearing on September 24, 2018, which Claimant and Respondent attended through their respective counsel. On October 1, 2018, the parties jointly submitted a proposal regarding the filing of prior and future arbitration-related briefing. On October 19, 2018, Mr. Grossman addressed the parties' joint proposal and set a schedule for future arbitration-related briefing.

Dated: October 22, 2018

MORRISON & FOERSTER LLP

By: s/ David F. McDowell
David F. McDowell

Attorneys for Defendant
FITBIT, INC.

Dated: October 22, 2018

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¹ See Dkt. No. 153 at 10:15-16.

ECF ATTESTATION

I, David F. McDowell, am the ECF User whose ID and Password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: October 22, 2018

MORRISON & FOERSTER LLP

By: s/ David F. McDowell

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